

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**MICHA GRYDER AND GARLYN GRYDER, AS
WRONGFUL DEATH BENEFICIARIES OF
WILLIAM C. GRYDER, V, AND THE ESTATE OF
WILLIAM C. GRYDER, V, BY AND
THROUGH MICHA GRYDER, ADMINISTRATRIX**

PLAINTIFFS

VS.

CASE NO. 1:21-cv-00245-TBM-RPM

**SKEETERS, LLC d/b/a SKEETERS
BAR & GRILL, ANNA DOWNIN,
and SHANNON BRADY**

DEFENDANTS

ORDER OF REMAND


This cause is before the Court *sua sponte*, following a review of Plaintiffs’ Amended Complaint. [37]. On February 9, 2022, the Court granted Plaintiffs’ Motion for leave to file an Amended Complaint to substitute individuals for two of the “John Does.” [34]. Plaintiffs’ Motion to Amend was not opposed by the Defendants. On February 16, 2022, Plaintiffs filed an Amended Complaint adding two new defendants—Anna Downin and Shannon Brady—who Plaintiffs allege to be Mississippi citizens. Plaintiffs also allege that two of the Plaintiffs are Mississippi citizens.

“If after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court.” 28 U.S.C. § 1447(e). “Congress has indicated that federal diversity jurisdiction is defeated so long as, after removal, fictitious defendants are replaced with nondiverse, named defendants.” *Weaver v. Metro. Life Ins. Co.*, 939 F.3d 618, 624 (5th Cir. 2019) (quoting *Doleac ex rel. Doleac v. Michalson*, 264 F.3d 470, 476 (5th Cir. 2001)).

Defendants have not opposed remand, nor have Defendants presented evidence to demonstrate diversity jurisdiction still remains. The addition of Anna Downin and Shannon Brady to this action requires remand to the Circuit Court of Harrison County, Mississippi, Second Judicial District. *See* 28 U.S.C. § 1447(e).

IT IS THEREFORE, ORDERED AND ADJUDGED that this cause be remanded to the Circuit Court of Harrison County, Mississippi, Second Judicial District, and that Civil Action No. 1:21-cv-00245-TBM-RPM in the Southern District of United States District Court of Mississippi, Southern Division be closed. The parties shall bear their own costs.

SO ORDERED, this 15th day of March, 2022.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE